

REPORT

"PUBLIC EDUCATION AND MONITORING OF ELECTIONS FOR LOCAL GOVERNMENT"

I. ALBANIAN HELSINKI COMMITTEE

The Albanian Helsinki Committee is the first non-governmental organization for the defense of human rights in Albania. It was founded in December 1990, at the initiative of a group of distinguished intellectuals, immediately after the multiparty system and pluralism of independent organizations and associations was introduced. Initially it was called The Forum for the Defense of Human Rights and Fundamental Freedoms. Since the beginning, the organization was very critical to the Government and gave a considerable contribution in the process of the democratization of the country, especially with its influence to sensitize the public opinion, and to pressure the authorities by reiterated demands for the release of hundreds of political prisoners. In July 1991 the last group of political prisoners, were released and Albania for the first time became a country without prisoners of conscience. In March 1992 the Forum for the Defense of Human Rights was recognized by the International Helsinki Federation for Human Rights and admitted as full member. On that occasion the Forum was renamed as Albanian Helsinki Committee.

The criticism from the AHC is constructive in its character, because of the fact that, along with public denouncements of violations, it suggests and proposes to the governmental programs the ways of overcoming and preventing them, in compliance with the generally recognized norms for the human dimension and the Constitution of the Republic of Albania.

One of the objectives of the AHC is to organize activities, which promote internal and international standards in the field of human rights, civil education of the public aiming at strengthening the rule of law. Public education on the right of voting and monitoring of the process of the elections in the country is one of the activities of the AHC. AHC has monitored elections in the past and has got experience. AHC has monitored the parliamentary elections of year 1997, partial elections for local power.

II. PROJECT "PUBLIC EDUCATION AND MONITORING OF ELECTIONS FOR LOCAL GOVERNMENT"

The Albanian Helsinki Committee during August-November 2000 implemented the project "Public Education and Monitoring of Elections for Local Government". This project was financed by the Democracy Commission Small Grants, Public Affairs Section of the US Embassy in Tirana. For its management and administration an administrative staff was elected. The members of this staff were Mr. Niazi Jaho, Ms. Sonila Aliaj, Mr. Elvis Koci and Ms. Ama Kraja. The legal adviser was Mr. Niazi Jaho. There were 50 monitors who took part in the monitoring of this project, lecturers of the Faculty of Law, the staff of the Albanian Helsinki Committee and students.

AHC takes this opportunity to thank the US Embassy in Tirana for its support, the staff of the project as well as all other persons who contributed to this project, experts, monitors for their zealous work, their will and readiness to contribute to the civil education of the public and the developments of the elections.

The elections of 1st October was the most important moment in Albania for several reasons:

First, they were expressions of the developments of democracy in the country and the functioning of the rule of law.

Second, for the first time the elections were organized based on a new Electoral Code.

Third, during the electoral campaign and the elections' day, each citizen realizes his right to vote and the right to be elected.

Each candidate, representative of political parties exercises his/her right to submit the program and objectives. In addition, taking into consideration the weaknesses and the situation of the developments of previous elections, the 1st October elections were of special importance.

1.1 The objectives of this project were:

1. Legal education of the public, especially on the right to vote and the right to be elected;
2. The increase of the responsibility of the citizens and the civil society in its process of growth;
3. Strengthening the rule of law through the consequent implementation of the laws;

To achieve these objectives the AHC coordinated the work with other native and foreign NGOs which were involved in the process of monitoring the elections for local government such as the Mission of ODIHR and the Association for

Democratic Culture. Through this cooperation an exchange of information was achieved during the electoral campaign and the coordination of monitoring missions during the elections' day and the second round of elections.

1.2 Setting up a network of correspondents in the cities

Taking into consideration the great importance which the elections for local government of October 2000 had and the role of the native monitors, a network of correspondents of the AHC was set up in the cities¹. Correspondents were students, jurists and activists in the field of human rights. Their mission was to continually follow the electoral campaign, media coverage, and the implementation of the new Electoral Code by the Central Electoral Commission (CEC), Local Government Elections Commissions (LGEC) and the Voting Center Commissions (VCC) as well as the work concerning the compilation of the Register of the Voters and voters' lists.

First, the correspondents were trained on the Electoral Code, voting procedures and reporting. The correspondents did an excellent job in presenting in an objective way special aspects of the electoral campaign for the local government. Based on their reports as well as on their monitoring missions of the campaign, the AHC could react in certain moments for the development of the campaign and the electoral process in general through public declarations, meetings with citizens and direct contacts with competent structures.

1.3 Identification of activists

The AHC implements its projects by involving young people interested in the protection of human rights. A part of activists have a rich experience in monitoring missions². From 65 young people, 50 long-term monitors were selected, for the elections of organs of local government, out of whom there were 23 new activists and 29 females.

1.4 Monitoring of the electoral process

During the elections' day the monitors were spread in the main cities of Albania. They were present during the moment when the voting centers were opened, during the counting of the ballots in the respective centers up to their deliverance to the respective LGEC. With competence they often offered written criticism when it was necessary in conformity with the predicted dispositions in the laws. At the conclusion of this day the AHC was able to give a preliminary evaluation on the electoral process. Based on the reports by our monitors we can say that the elections of this year constituted a step forward in the road of consolidation of the institution of the elections in our country.

¹ The network of correspondents functioned in the cities like Tirana, Durrës, Elbasan, Shkodër, Vlorë, Krujë, Kukës, Lushnjë, Fier, Gjirokastër, Korçë.

² Among previous monitoring Monitoring of Organs for Local Government in 1997-1998, long-term monitoring of the conditions of prisons and pre-detention sites, monitoring the partial local elections of 21 June 1998.

II. LEGAL EDUCATION OF THE PUBLIC

2.1 The importance of legal education

The legal education of the public was without any doubts one of our most important goals in the framework of this project. We had a maximum preoccupation on this issue and everything was planned in details. This was so because:

- *First*, we think that the legal education of the public in general and that of different specialists in particular and getting knowledge on laws and legal situations in the Albanian society, remains an issue which requires attention. Different social categories have not had appropriate possibilities to get to know the laws.
- *Second*, legal education was seen as necessary because of the new Electoral Code of the Republic of Albania. Certainly the new code was a new experience for Albania. It was a tradition that on the eve of each electoral campaign, new laws were approved which left the impression of ad hoc laws. Therefore, sanctioning the main principles, institutions and the electoral procedures in an Electoral Code constitutes undoubtedly a step forward in the improvement of the legislation. We considered as necessary that the citizens and other involved persons should know well this new code.
- *Third*, we thought that all the period prior to the 1st of October in Albania was an appropriate period for a legal education campaign. In general, this raises the interest of the citizens and on the other hand legal education raises the awareness of the citizens in connection with the elections. They become less indifferent as well as it raises the voter's turnout. Therefore the AHC concluded that the period August-September was a favorable period for legal education in the framework of our project.

2.2 Our objectives

As it was pointed out earlier everything was planned in compliance with our objectives which were as follows:

- ↳ *First*, we selected competent and specialized persons who would carry out the activities planned for legal education in order that this education could be simple and practical. Therefore the lecturers and the trainers were selected among well known jurists with an active background in this field. Some pedagogues of the Faculty of Law were involved as well as jurists. The AHC oriented them so that their work could be concrete and effective.
- ↳ *Second*, the legal education consisted in getting knowledge on the Electoral Code therefore the lecturers and the trainers were required to have a very good knowledge on this code.
- ↳ *Third*, our goal was that as many citizens as possible from all over Albania could benefit from this activity. To serve this purpose we determined the cities where seminars on the

Electoral Code could be held. Cities which were selected were: Durrës, Fier, Vlorë, Shkodër, Tirana. Whereas the training with our correspondents was held in Tirana. The management of these seminars was done by the coordinators of this project and the correspondents in the cities. The latter were informed that the participants in these seminars should be representatives of different social categories of people, especially students, young people and first-time voters.

✎ *Fourth*, our long-term objective was to train the observers who would take part in the monitoring of the 1st October elections. This was realized through training (see below).

✎ *Fifth*, getting to know the voting procedures and the right way of filling the ballots was another important goal. Our ultimate goal was to give all the possible help to the voters in order that their votes would not go in vain or be invalid.

2.3 A general overview of the activities in connection with the legal education

The activities in connection with the legal education served the objectives of our project. The main issues were defined as follows:

1. Getting the public to know the new elements which the Electoral Code of the Republic of Albania brought. Here the new electoral institutions were included.
2. Getting the public to know the contemporary and the most democratic experience and the main principles in connection with the elections.
3. Getting the public to know the main voting procedures, the importance of the voter's lists and their rights during the registration process during the electoral campaign and the voting day.
4. Getting the public to know their rights and duties as well as the role of the monitors for a fair electoral process.
5. Public education regarding their relations with the organs of the public order, getting the police employees to know the new Electoral Code as well as their position based on this code.

2.4 Training the activists

The work started with selecting the activists. During August the AHC received many CVs of young people interested in taking part in the activities for protection of human rights. In addition a considerable number of monitors who have taken part in previous monitoring missions by AHC expressed their will to be included in the monitoring of these elections. A part from them had monitored the partial elections of year 1998. Anyway for both these groups of monitors their training on the Electoral Code was a necessity.

The training took place in the environments of the Faculty of Law from 30-31 August 2000. This was considered as an appropriate time for this activity which informed the monitors on:

- the methodology of the monitoring of the voting process;
- monitoring the electoral campaign;
- the work for compiling the first National Register of Voters;

- the work of the CEC;
- setting up the LGEC and their functioning according to the legal procedures;
- treatment of problems or disagreements which could rise in connection with the voting procedures and ways of solving them;

The electoral campaign, which started on the 1st of September 2000, was included in the monitoring of this project.

This training was done by the legal adviser of the AHC Mr. Niazi Jaho, who is one of the jurists with complete knowledge in the field of electoral laws which during these years have not been few, as well as in the field of legislation on the protection of human rights in general. Mr. Jaho treated at length the main chapters of the Electoral Code of the Republic of Albania.

On the first day of the training the main concepts of the right to vote which are provided by the Constitution of Albania as well as the first part of the Electoral Code were treated. Later on, he was focused on the right to vote and the right to be elected. Mr. Jaho mentioned the new structure of the electoral institutions which is based on the new constitutional organ, namely CEC. Participants were interested in the other electoral commissions and deadlines set by the new code regarding them since the monitors who would work as correspondents in the cities would monitor the LGECs and VCCs during September and October.

In the second session of this training participants showed a special interest in the National Register of the Voters, about which they raised a lot of questions. This interest showed their commitment to fulfil the noble and very important objective for the Albanian democracy that of monitoring the elections. In addition, issues like the investigation of the complaints by the court, the right of reenumeration of the votes were welcomed with interest from the part of the participants. One reason was that this process was something new, the other was that deadlines and ways of treating the complaints by courts are different from the usual ones determined by the code of procedures.

On the second day of the training Mr. Jaho treated the right methodology to achieve a very effective monitoring. Mr. Jaho has taken part personally in the monitoring of all the previous electoral process in Albania. He being an experienced jurist transmitted to the monitors the basic knowledge on the new electoral code.

The monitors used such knowledge in their monitoring during the electoral campaign as well as during the voting day. They in some cases addressed some criticism in a written form to the respective commissions, which a part from a good individual work of the monitors was a result of this training.

2.5 Seminars

In order to spread the legal education to the public, seminars were planned to be held not only in Tirana but also in other cities of Albania³.

³ Seminars were held in Durrës (04.09.2000), Fier (06.09.2000), Vlorë (07.09.2000), Shkodër (11.09.2000) and in Tirana (15.09.2000).

The content of the legal education was elaborated in lectures and discussions done by the following persons:

- Mr. Niazi Jaho on "The New Electoral Code and the CEC";
- Prof. As. Aurela Anastasi "On Article 3 of the Electoral Code of the Republic of Albania";
- Mrs. Mimoza Arbi "The Voting Process based on the Electoral Code";
- Prof. As. Arta Mandro "On the Voter's Lists based on the Electoral Code";
- Mr. Ilirian Zaimi "On the Measures Taken by the Ministry of the Public Order to Secure Order and Peace Before, During and After the Electoral Campaign of the Elections for Local Government";

These speeches were held in the above mentioned cities and were welcomed with interest by the participants who asked a lot of questions and widened the scope of the lectures as such. The composition of the audience influenced the topics of these seminars. For ex. in the seminar held in Shkodër participants were interested in the role of the judge in solving the conflicts arisen in the electoral process whereas in Tirana, the seminar was focused on the role of the police and their duties during the electoral process etc.

2.5.1 Participants

Participants belonged to different social categories. From our part the teaching process was the same in all the cities in order that a considerable number of categories of persons could be reached. In many cases the audience was a variety of people. Anyway each city had its own characteristics. For ex. in Vlora the majority of the audience was members of the VCC who were interested in getting to know their rights and duties. In Shkodër, apart from the audience mentioned in the case of Vlora, students of the Faculty of Law and judges of Shkodra Court were present too. In Tirana, the majority of participants were employees of the public order bodies etc.

Taking into consideration the role and responsibility of the forces of public order in the developments of the electoral process the AHC in cooperation with Ministry of Public Order arranged a seminar on "Electoral Code and Forces of Public Order". Participants in this seminar were chiefs of the Police Stations in the cities. The purpose of this seminar was:

- Being acquainted with the Electoral Code;
- Being acquainted with the rights and duties of the forces of public order in connection with these elections since they are first Albanian citizens who have the right to vote and on the other hand they are responsible to provide public order during the voting process;

This seminar was of a special importance and contributed in the legal education of the police forces.

The following target groups which benefited by the training provided by the AHC to the monitors were the following:

1. The young voters;
2. The young monitors;
3. Citizens assigned with different assignment in the voting centers or members of the voting commissions;
4. Judges and jurists;
5. Voters in general;

2.6 *Remarks of the public*

It is very important to emphasize that the benefits were both ways from the activities regarding legal education. Not only the public benefited by this education program but the AHC itself.

First, we got another experience in managing such activities with the focus on getting knowledge on laws. But we benefited the most by the remarks offered by the public in these seminars too. Their remarks can be summarized as the following:

1. Remarks and suggestions in connection with the Electoral Code. Some points in the code are described in general terms and some articles should be further commented. Therefore it was suggested that the CEC should elaborate some articles such as: Article 108, 109, 110 on the reenumeration of the ballots. There were further specific criticism in connection with special articles for ex. it was said that article 112 should be better expressed.
2. Especially the participants in the cities said that the seminars were worthy and necessary. The seminars were highly appreciated because usually such activities tend to take place only in Tirana and thus the public in the cities benefit very little this is true especially for rural cities. Many participants suggested that they could have preliminary preparation prior to such seminars. For ex. materials could be distributed before hand. It was observed that information on laws was poor especially in the cities. For ex. in Shkodër many judges did not have the Official Notebook where the Electoral Code was published. Not to mention other manuals or other comment-booklets which circulate in Tirana.
3. Another criticism was regarding legal education through electronic media which they thought could be more effective. They pointed out that the electronic media is possessed with activities of politicians and very little attention is paid to the common people as electoral subjects in these elections. It was suggested that the AHC as a non-governmental organization should communicate with citizens through TV programs, since in this way information can reach many more people.

2.7 *Leaflet*

The leaflet is part of the continual efforts of the AHC to get the public know their basic rights and the democratic procedures for their realization. The leaflet was considered as an effective means to disseminate information to the voters. This was a practical information in plain and understandable language.

The motive of the leaflet which was reflected on its cover was to affirm the right to vote as a basic principle of democracy and as citizens' duty to exercise it. This was in point 4 of Article 45 of the Constitution: "The vote is personal, equal and secret".

The selected information to be covered in this leaflet was organized in three subheadings.

- The first subheading was focused on voters' registration. Practical advice was given to the voters instructing them to require changes or corrections in the promulgated preliminary lists of the voters in cases when the data was not accurate or their names were not found in these lists. The deadlines of reviewing the lists as well as procedures to be equipped with the Voter's Card were made known to the voters.
- The second subheading titled "The Voting Process" summarized the process of voting.
- The third subheading was a list of important dates, which reminded once more the deadlines which had to do with the exercise of the citizens' right to vote.

The distribution of the leaflets was done in the majority of Municipalities and Communes..(Tirana, Durrës, Shkodër, Krujë, Fier, Vlorë, Lushnjë, Elbasan, Gjirokastër etc). It was arranged by volunteers, correspondents and the group of youths of the AHC. The activists were received well by the citizens who displayed a great interest to be informed on these elections. Taking into consideration this interest of the citizens especially in the rural districts an amount of leaflets were published in addition to the first.

2.8 Media contacts and publications

Raising the awareness of the public on their rights such as the right of expression, of gathering, of the free vote as well as getting knowledge on the Electoral Code is not enough. The AHC has monitored the written and electronic media on the way they cover the electoral process, the way they reach the public taking into consideration the necessity of raising the awareness of the Albanian citizens on their rights and responsibilities which they have in society regarding the elections.

- For this reason Mr. Niazi Jaho, the legal adviser of the AHC was the protagonist in the four TV programs for a better knowledge on the main dispositions of the Electoral Code which were closely tied with the elections of 1st October in one of the private TV stations. These programs were received with interest by the Albanian public. During those programs practical cases or shortcomings which could be evident during the voting process were treated. Taking into account the audience the materials were written in a simple language and contained useful information on elections, persons and organs involved in them. A compilation of this material was published.⁴

⁴ Here we would like to thank the Albanian Center for Human Rights which made possible its publishing.

- Another area of sensitizing the public and offering legal expertise was through everyday articles such as those dated on 3, 5, 8, 13, and 17/09/2000. The focus of these articles was the electoral process and the new Electoral Code of the Republic of Albania.

IV. MONITORING OF THE ELECTIONS

Monitoring of the elections was one of the priorities of the project “ Public Education and Monitoring of the Elections for Local Government”. Our monitoring was focused on two important moments:

First, monitoring of the electoral campaign focusing on the monitoring of the preparations for the elections, implementation of the Electoral Code, activities of the CEC and its cooperation with LGECS. The voters’ registration and reviewing of the preliminary lists constitute one of the main concerns of this phase. We have paid attention to the electoral campaign of the political subjects, respect of the law and the way of presenting the programs as well as the candidates.

Second, monitoring the electoral process during the first round and partly during the second round of voting.

The monitoring of the above mentioned phases allowed us not only to get information on the implementation of the Electoral Code, but also to come to know the real impact of the campaign done for the legal education of the public by the AHC, other organizations and media etc.

Proposals for changes in the Electoral Code or remarks and suggestions submitted in this report in connection with the great need to educate the public, managing and functioning of the electoral institutions etc. are based on the concrete results of our monitoring.

V. MONITORING OF THE ELECTORAL CAMPAIGN

In the framework of the electoral campaign, monitoring groups of the AHC have monitored the CEC, all the centers where voter’s lists were promulgated in the municipality units in Tirana, Kamëz and other cities where we had correspondents. In addition, voting centers were monitored as well as the LGECS in Tirana, Shkodër, Kukës, Lezhë, Krujë, Durrës, Shijak, Elbasan, Fier, Gjirokastër, Korçë, Lushnjë, Vlorë, Sarandë. Correspondents and the monitoring groups followed closely some electoral meetings of the political parties in different cities. During the second half of September 2000, 11 groups undertook monitoring missions of the electoral campaign in cities such as Krujë, Durrës, Shijak Fier, Kavajë, Lezhë and Tirana.

5.1 General Situation

According to the law the electoral campaign should have started one month prior to the voting day but in fact it started earlier. CEC criticized cases when foreign representatives of political parties of other countries took part in the electoral propaganda of the Democratic Party which violates disposition 130/5 of the Electoral Code. No. 130/3 "Propaganda in favor or disfavor of one candidate or any other electoral subject done by foreigners is prohibited⁵". After this criticism there were no other cases of violation of such kind.

It is worth mentioning that in some cities co-operation between political forces was observed. For ex. in Korce and in Shkodër agreements were reached for a calm and democratic development of the electoral campaign. The great interest of public in general for the voter's lists and the voter's card was observed and was very positive.

The electoral meetings of the electoral subjects were arranged in a peaceful way, but in some cases the tone of the representatives of political parties, especially the two biggest parties, was extremely politicized and brutal. This kind of politicizing accompanied by hate speech was observed in some written media too⁶.

5.2 The CEC

For the first time in our country, the CEC was set up based on Article 154 of the Constitution. For the first time this Commission implemented law 8609 of the Electoral Code of the Republic of Albania. As it is known the CEC itself was set up and started to function with delays. We can say with conviction that the CEC started work without being well acquainted with the respective dispositions of the Electoral Code. During its activity some weaknesses were observed which to some extent influenced negatively the normal developments of the electoral process. We can mention some such as:

- © There were no regular and planned meetings of the CEC;
- © Delayed instructions given to Local Government Elections Commission (LGEC) and Voting Center Commission (VCC) which were sometimes controversial and vague;
- © Lack of training of members of the Electoral Commissions;
- © It did not handle in time complains submitted by the electoral subjects;

5.3 Voter's lists

In voter's lists there have been irregularities and inaccuracies. The opposition contested their accuracy. The process of completing and correcting these lists influenced the period during which the citizens could exercise their right of complaint which was lengthened beyond the legal deadlines. After this some improvements were made but in many voting centers voters voted according to such lists which had inaccuracies. More concretely, in some voting centers monitored by the AHC there were observed cases when names of voters were not found in the voter's lists even though some of them were equipped with voter's cards. We

⁵ Democratic Party (DP) in some cases as in Berat, Durrës, Tirana.

⁶ This happened in the electoral meeting of the Democratic Party in Durrës and in Fier. Insults were observed in the meeting of the Socialist Party (SP) in Fier too.

are of the opinion that if a good spirit of co-operation existed between the electoral subjects, some of these gaps could have been repaired because as it is known the political parties were equipped before hand with voter's lists. It is worth mentioning that the presence of two lists, the preliminary and that reviewed created certain confusion in the process of voting and raised doubts by the political subjects. However, in the voting centers monitored by the AHC the number of those who did not exercise the right of vote was relatively few.

5.4 Media covering the electoral campaign

The staff of the project monitored the daily written and electronic media which covered the developments regarding the electoral campaign. We can mention the incidents regarding Mrs. J.Topalli, deputy chairman of the Albanian Assembly, and deputy chairman of the DP. The other incident was in connection with Mrs. M. Ceko, Deputy Prime Minister and Minister of Social Work and Issues, member of the SP. In connection with these cases the AHC have reacted with declarations in the press⁷. In addition our correspondents in the cities have given us information on other incidents⁸.

5.5 Establishing and functioning of the LGEC and VCC

Due to the fact that some political parties submitted their proposals with delays to the members of such commissions, as it is known the LGEC and VCC were set up late exceeding the foreseen deadlines according to the law. Their training was partial while in the cities where this was done it was done hastily. Consequently, members of the commissions were not appropriately acquainted with the dispositions of the Electoral Code and the manual of the CEC for CVV. This is also another reason that they could not treat in time the received issues before and after the electoral process, or they offered different solutions to the same issues despite of the fact that they were defined in the law. As an example we can mention the case when the CEC gave very late instructions to the commissions on cases when voters were not allowed to vote if their names were not found in the voter's lists. Another case was when they gave different instructions to commissions on the conditions of the invalidity of ballots, instructions which according to the law were clearly stated.

5.6 Conclusions

Public interest in these elections was very high. The electoral subjects considered these elections very important too. The atmosphere of the electoral campaign was calm in general. The candidates of the political parties had a lot of space and possibilities to represent their electoral programs. Very positive and a new phenomenon was the participation of the electronic and written media in covering these elections. The observed incidents were sporadic and did not influence the normal developments of the electoral campaign. In general, the new Electoral Code was correctly implemented. Something very important took place during September when the National Register of the Voters was compiled. The

⁷ See in this report, under Appendix.

⁸ In village Allkaj of Lushnje one of the representatives of SP and the candidate of this party for mayor of commune have quarreled with the DP's fans.

LGECs and the VCCs were set up in conformity with the law and that was an achievement too.

VI. MONITORING OF THE VOTING DAY, 1ST OCTOBER 2000

6.1 The importance of the monitoring of the Electoral Process

Taking into account the importance on the elections, as a process where the majority of the political rights of the population and other important rights are exercised, on the 1st of October the AHC was actively engaged in the monitoring of the following municipalities and communes:

- Municipality of Tirana with its 11 municipality units; Municipality of Kamëz/Durrës/Elbasan/Krujë/Lushnjë/Fier/Vlorë/Sarandë/Gjirokastrë/Korçë/Shkodër/Kukës;
- Commune of Rreshen/Labinot-Fushë/Pushtetë i Mezinë/Ksamil/Dropull i Poshtëm/Drenovë/Rrethinat;

6.2 Monitors and Correspondents

As mentioned earlier there were 50 monitors engaged in the monitoring missions, the majority of whom were jurists. 13 of them were selected as correspondents in the main cities of Albania. Correspondents together with the monitoring groups monitored the electoral campaign as well as the voting day on the 1st of October. The work of the CEC, LGEC and the VCC in the respective cities were also monitored. They started work one hour before the voting centers were opened, later they continued all day through the voting process, enumeration of the votes to the closing of the voting centers. At the end of the day they were equipped with the results of the final tables on the voting process in the voting centers which they monitored.

During the same day they monitored two or three other voting centers in Municipalities and Communes with which they were assigned. Monitoring the LGECs in the cities was teamwork.

At the end of this monitoring based on the reports of the monitors the AHC concluded that the elections were calm, lawful and transparent.

The following data is based on the reports submitted by the monitors and correspondents as far as the electoral process is concerned.

6.3 CEC

CEC was composed of representatives of political parties as well as experts, i.e. jurists and their work reflected this composition. The CEC has given instructions to the LGECs and

CVVs in conformity with Electoral Code. Members of the CEC has traveled from one voting center to the other to follow more closely the electoral process and to assist in various eventual problems which arose.

Despite of a good work done by this Commission on the voting day of 1st October 2000, there have been criticism addressed to it regarding their consistency and uniformity in giving instructions to the LGEC and CVV. For ex. the fact that they gave different instructions to the same problems in different voting centers was one of the things criticized. The AHC is of the opinion that the CEC should have been the first to foresee the weaknesses of the Electoral Code and they should have assisted the LGECs and the CVVs in the implementation of such vague articles of the code.

The main criticism is regarding the fact that the CEC was not able to determine deadlines for acceptance of the withdrawal of the candidates who were qualified for the second round. One of the duties of the CEC is that of determining deadlines the same way as in the case of the deadlines regarding the LGECs.

Another problem which was observed in connection with the work of CEC was that regarding dispositions of the Electoral Code which did not coincide with those in the Manuals for the VCCs that were distributed to all the VCCs. In these manuals the issue of the invalidity of the votes was presented in a very vague way. This, in some cases, brought diversity in determining criteria defining valid and invalid votes.

6.4 The work of the VCCs during the voting day

According to the law the VCCs were composed of representatives of the political parties proposed by the political forces which had received the majority of votes during the elections of year 1996.

In some communes which were monitored the education level of the members of the VCCs was under the average. This was reflected in their work as well. The members of the commissions of those monitored were not acquainted with the law and the procedures approved by the CEC. In some cities there were no training for the members of the CEC.

In some cases there were some delays in informing the VCCs⁹. During the voting day some commissions functioned with 5 or 6 members and there were no representatives from the small political parties¹⁰. In some voting centers some changes in the composition of the members of the commissions were observed during the voting process¹¹. Our monitor in

⁹ In the Voting Center (VC) of No. 11 the Municipality of Kamëz was set up on 30 September.

¹⁰ In the VC No. 17 in Tirana there was no representatives from the Party of the Union of Human Rights and the Agrarian Party. The same holds true for the VC No. 18 in Tirana there were no representatives of the SDP. In the Municipality of Durrës in VC No.35 there were no representatives of the PUHR. In Kukës in VC No. 7 there were no representatives of the RP and that of the Party of the National Unity (PNU).

¹¹ In the VC No. 35 in Fier the chairman of the commission was a different person from that sent by the LGEC. The new chairman after taking a recommendation from his party (DP) was accepted as chairman. Another case was that of center 41/1 in Vlora where the chairman of the commission came only at 10:40 o'clock pretending that he was not informed that he was appointed as a chairman of that commission of the CVV.

the municipality of Shkodër observed two cases of appointing as members of the commission people under 18 years old¹².

Monitors of the AHC observed that members of the VCC in general were not capable of performing their duties such as:

1. The majority of them were not trained by the CEC and for this reason they faced difficulties to respect voting procedures;
2. In some voting centers persons who were not able to fill the ballots themselves for various reasons did not present to the commission a signed paper where they could recommend another person to assist them in doing so;
3. In the majority of cases members of the commissions did not carry the distinctive badges;
4. It is observed that in some voting centers that members of the commissions had compiled and signed the minutes very late and this violates Article 94/2 of the Electoral Code¹³. Good knowledge and respecting the Electoral code as well as the right instructions given by the AHC have influenced positively in the developments of the voting process.

6.5 The division of zones of the voting centers

Although Article 91/2 of the Electoral Code requires that each electoral zone should not have more than 1000 voters, it is not respected in many cases. This phenomenon was not observed in the Community of Tirana but in other communes and municipalities observed by the AHC¹⁴.

6.6 Voting environments

The environments where the voting centers were placed were mainly public environments. There were few cases when they were placed in private environments. Some of these environments did not have enough space which created obstacles for the work of the voting commissions and the voters themselves¹⁵.

6.7 Setting up the voting centers near special institutions

Articles 93 and 103 of the Electoral Code and the legal acts of the CEC foresee the establishment of voting centers near special institutions where there are at least 15 voters who have the right to vote for the electoral unit to which the institution belongs. Hospitals, prisons, pre-detention sites and dormitories are of this type. In the cities where we monitored these voting centers were established in accordance with the above mentioned articles.

¹² A representative of the RP born on 15.12.82 and a representative of SDP born on 15.11.82.

¹³ The VC No. 45 in the municipality of Shkodër the compilation of the minutes was done at 10:30.

¹⁴ In the Municipality of Tirana, VC No.28, Commune Ksamil VC No.20 and No. 42 where there were 1589 and 1508 voters respectively.

¹⁵ The VC No. 1, commune Ksamil.

6.8 Voting centers

The voting procedures were in general in accordance with the law. Voters submitted their ID, signed beside their name, dipped their finger in ink and voted in the polling booth. In some cases it was observed that voters voted with the ID whereas the others with voter's card.

Opening the polls was done in general in accordance with the Electoral Code. As far as other preliminary preparations prior to 6:00 o'clock of the 1st October the chairmen, deputy chairmen and secretaries of the voting centers performed these duties and at the same time opened the polls. At the beginning the inventory of the materials which they have received one day before by the LGEC was carried out. After this it was proceeded with placing the materials at the polling booths. All the commissions co-operated to perform these duties. In addition members of the commissions tried to put away all the propaganda materials nearby these centers. There were few cases when this was not done thus violating Article 94/b of the Electoral Code which says that all propaganda materials should be put in a distance of 150 meters away from the voting centers¹⁶.

6.9 Opening the voting centers

Article 94 of the Electoral Code and the instructions of the CEC published in the manual of the CEC require that the voting centers should open at 07:00 and close at 18:00 o'clock. During our monitoring it was observed that this requirement was respected. There were some cases when this was violated. Some of the reasons for this were: difficulties in constructing the ballot box, or some of the members of the commissions came late¹⁷.

There were cases when the compilation and the signing of the minutes of the opening of the polling stations¹⁸ were done late. Some reasons for this was either the members of the commission did not have the application forms of the opening or they did not know the importance of such a procedure. Such a phenomenon was a consequence of the fact that members of the commissions were not trained on the voting procedures.

6.10 Voters

Voters were not informed on the voting procedures. Only two or three days prior of the voting day the CEC started to inform the voters on the way how to vote through the media. This was not sufficient. In addition they were not repeated to remind the public about them. Consequently, it was not a complete information on the voting procedures which was also shown in the considerable number of the invalid ballots at the country level.

6.11 Voters with disabilities

¹⁶ VC No. 41 Municipality of Korçë, Municipality of Kukës VC No.3,9,10.

¹⁷ VC No. 295 in the municipality units No. 11 Tirana opening of the polling station was done at 08:10 o'clock. Municipality of Vlora started at 07:20 and the Voting Center No. 31 at 07:30.

¹⁸ VC No. 3/1 Municipality of Gjirokastër this was done at 18:00; VC No. 38 Municipality of Shkodër at 11:00; VC No. 235 Municipality Unit No.8 in Tirana at 09:45 and in all these cases the members of the commissions were not informed that this was a legal requirement.

Article 100 of the Electoral Code allows that a voter who is disabled to vote himself/herself due to physical reasons can be assisted by another voter of the same zone but not from the members of the voting commissions. According to the law the assisting persons should write a declaration in the minutes that h/she should vote according to the instructions given by the disabled voter and that h/she has not voted for another voter. According to our monitoring it is observed that in the majority of the cases the assistants had not signed the declaration required by the above-mentioned law¹⁹.

6.12 Voting in the polling booths

According to Article 98 of the Electoral Code, after voters have been equipped with the ballot they should enter the polling booth to vote. This disposition of the code has been generally violated since the head of the family has voted together with the other members of his family in the polling booths as well as in some cases outside the polling booth. When this happened they claimed that the voter is a first-time voter and had difficulties to vote²⁰.

6.13 Voter's lists

There were cases when voters did not find their names in the voter's lists or there were inaccuracies regarding their data which led to the annulment of the voting process²¹. In some centers there were none of these cases but in some others there were a considerable number of cases. Generally, in many voting centers the number of the persons who did not find their names in the voter's lists were relatively small.

In the voter's lists there have been irregularities and inaccuracies. The opposition contested their accuracy. The process of completing and correcting these lists influenced the period during which the citizens could exercise their right of complaint which in itself was lengthened beyond the legal deadlines. After this some improvements were made, but in many voting centers voters voted according to such lists which had inaccuracies. More concretely in some voting centers monitored by the AHC there were observed cases when names of voters were not found in the voter's lists even though some of them were equipped with the voter's card. We are of the opinion that if a good spirit of co-operation existed between the electoral subjects, some of these gaps could have been repaired because as it is known the political parties were equipped before hand with voter's lists. It is worth mentioning that the presence of two lists, the preliminary and that reviewed created certain confusion in the process of voting and raised doubts by the political subjects.

In some monitored centers voters who did not find their names in the lists were not allowed to vote and in some others they were allowed to do so. In some municipalities or communes the voting centers compiled the lists and sent them for approval to the LGEC which usually did not have the right to receive these lists and after that the voters voted. In VC No.11 Municipality Kamëz the voter's lists with voters who did not have their names in the lists but still voted reached 93 persons which was 12% of the total number of the persons who voted.

¹⁹ VC No. 4,5,8,31,36 and 33 in the municipality of Durrës.

²⁰ VC No. 4 Commune Drenovë.

²¹ VC No. 2 Commune Ksamil with 2324 voters.

However, in the voting centers monitored by the AHC the number of those who did not exercise the right of vote was relatively few. In some centers the voter's list with voters who were expected to vote was bigger than what was foreseen by the law²².

6.14 Persons present at the voting centers

The law requires that the members of the commissions should be present at the voting centers at 06:00 o'clock on the voting day. Generally speaking it happened so. In some electoral zones there were cases when members came late whereas in a considerable number of cases it was observed that representatives of small political parties were absent all the day through during the voting day²³.

It was observed that the voting centers which were monitored as well as at the LGEC there were representatives of the electoral subjects who did not have the right to appoint members at the voting commissions. There were also cases when representatives of the SP and DP who already had members in these commissions were present at these centers. This was a violation of the law. Often it was these representatives who assisted voters with disabilities to vote thus violating the law and creating tensions with representatives of other political parties²⁴.

6.15 The amount of the ballot boxes

According to Article 96 of the Electoral Code of the Elections for Local Government two types of ballot boxes were used. One for the candidates for mayor of the municipality or commune and the other one for candidates for the municipality or commune's council. In the municipality of Tirana the amount of the ballot boxes were four. In general there were no problems in selecting the right ballot box in the voting process since one of the members of the voting commission was assigned to assist voters at the moment of putting the ballots in the respective boxes.

6.16 Closing of voting and enumeration of votes

The procedure of closing of voting and enumeration of votes started at the time foreseen by the law at the presence of members of the commission, representatives of the electoral subjects and native and foreign monitors. During the enumeration of votes members of the commission reached an agreement on defining valid or invalid votes. The criteria of determining what types of votes were considered as invalid differed from one voting center to the other. This is shown in the considerable amount of invalid ballots found in some voting centers.

²² In the LGEC of Kamez municipality.

²³ In VC No. 47 in the Municipality of Tirana the representative of the DAP; in the VC No. 35 municipality of Durrës; in VC No. 3/1 Shkodër where the representatives of the small political parties were absent during the most part of the voting process.

²⁴ In the LGEC of the municipality of Kamëz.

Consequently we can draw some conclusions, first, the voters were not clear on the voting procedures and second, members of the voting commissions did not possess enough information on these procedures.

At the conclusion of the process of the enumeration of votes minutes were signed by the members of the voting commissions and the representatives. There were very few cases when remarks or criticism were written in the final tables of the results on voting and these cases were in connection with the criteria chosen by the voting commission for defining votes as invalid. All the members of these commissions received a signed and stamped copy of the tables on voting results. The ballot boxes and the respective minutes were restamped and the number of stamps were written in the minutes.

6.17 Delivering the materials

Materials were delivered to the LGEC in conformity with the law. Some VCC in communes²⁵ sent the ballot boxes in parts placed in cartoons in this way violating the instructions of the CEC. In the majority of the cases the LGEC required from the chairman or the secretary of the VCC to reconstruct and seal the ballot boxes before they received them. In some cases it was observed that the final result tables were completed by some VCC when they delivered the materials to the LGEC. This process was done under the observance of few monitors but there was not any case of disagreement between different political parties or any other violations in connection with the way it was proceeded as well as the final promulgated results.

VII. MONITORING OF THE SECOND ROUND OF ELECTIONS²⁶

7.1 Some general remarks

On 15.10.2000 the second round of elections for the local government was carried out in Albania. The AHC monitored some municipality units in Tirana and in Commune Rrethina of Shkodër. The second round was calm at the country level. The police forces were present in all the voting centers and did very well their job in conformity with the law. Based on the data the AHC has received from the reports of our monitors the following are the conclusions:

- ρ The commissions of the voting centers in the municipality of Tirana were composed of 6 members due to the fact that representatives of the DP were withdrawn from the second round of elections. In very few cases they declared their withdrawal in a written form. This withdrawal did not cause any problems in the municipality of Tirana. The voting process was a calm one.
- ρ The absence of representatives of the small political parties²⁷ was observed in some commissions. However the commissions had more than half of the representatives required by the law.

²⁵ Commune of Lower Dropull and Municipality of Kamëz.

²⁶ The following conclusions were based on the reports of the zones monitored by the AHC.

- ρ We can say that in most of the voting centers the commission members were not present all the day through during the second round elections day. Their movements were not written down in the minutes either.
- ρ In some cases lack of materials was observed in some VC²⁸.
- ρ The opening of the VC was done in accordance with Article 94 and 95 of law 8609 of the Electoral Code but there were cases where delays were observed. Something special was observed in the Commune Rrethina where a death had happened in a village (Zues) and due to this reason the VC was not opened before noon.
- ρ The voters in Tirana voted separately according to the law whereas in the certain communes²⁹ the tradition of voting collectively as a family continued during the second round of the elections.
- ρ Procedures concerning the closing of the VC and the enumeration of the votes were done in conformity with the law and was done quicker since the members of these commissions were acquainted with them this time.
- ρ The process was fair and the final tables reflected voters' preferences.

During the second round of 15th October elections some irregularities were monitored concerning the withdrawal declarations which either were not submitted at all or submitted but very late by the candidates to the municipality units. In the municipality unit No.2 and 10 in Tirana this type of declaration was submitted to the respective LGEC only on 13 October 2000. This did not hinder the voting process which was arranged with ballots which contained the names of the withdrawn candidates. This constituted a violation of the basic disposition of the law³⁰, because possibility for competition was not given to the candidate who was third in the list. The followed procedure was not legal and arbitrarily deprived the other candidates who had the third place in the list of the right to compete. We can say that the law itself has its weaknesses in not setting fixed deadlines for the submission of the candidate withdrawal. However, based on the results the candidate who won had received a considerable number of votes which makes us believe that declaring him as the winner was fair.

7.2 Public and private radio and television

Taking into account that the Electoral Code was new, there were not enough programmes in radio and TV on making known the Electoral Code to the citizens (with an exception of Telenorba which organised four sessions). The voting procedure was transmitted only one or two days prior to the voting day and this was not done in a thorough way easy to be understood by the viewers.

There were some private radio and TV channels which gave partial information on the electoral process thus violating the law. We think that the CEC should have paid more attention since we are talking here about legal and transparent education of the citizens.

²⁷ In the VC No. 31 in Tirana where the representative of the RP was absent.

²⁸ Commune Rrethina of Shkodër.

²⁹ Commune Rrethina of Shkodër.

³⁰ Law No. 63/3 "If one candidate withdraws its candidacy for the second round of elections, he is replaced by the candidate who have received the majority of the votes compared to the other candidates".

7.3 Police forces during the electoral process

A very positive role was played by the police forces in securing order for normal developments of the elections. They were on the watch nearby the voting centers and there was not any case when they interfere without the request of the commission of the voting centers. Their presence was seen in the streets and it can be said that very few crimes were registered during the voting day compared to other normal days. There were no disturbances of political character. Even the disagreements did not lead to police interference. The police forces reflected a calmness which should be recommended and which was in conformity with their neutral status.

VIII. RECOMMENDATIONS

1. Preparatory work for parliamentary elections should start very early.
2. Changes in the Electoral Code should be the focus of discussions and debate among experts and the goal should be to reach a consensus between the political forces. Changes in the Electoral Code should not be in connection with the parliamentary elections only but with the elections of local government too.
3. Preparations for the voter's lists should start as soon as possible with the goal to correct the weaknesses and gaps observed in the lists of the 1st October elections. Lists should be unique i.e. it should not be two sorts of lists. The deadline for reviewing the preliminary lists should be lengthened. The complaint in the court should be foreseen as well. More preoccupation should be paid on the preparation of the lists and their verification especially regarding those voters who have changed their domicile and live temporarily in some other domiciles. Cases of double registering should be avoided as well as cases when the voters did not find their names in the lists.
4. Procedures regarding the legal deadlines of the complaints addressed to the courts should be quicker.
5. Legal education of the public should start immediately after the changes done to the Electoral Code. In connection with this more TV and Radio programs should be planned in private and public TV and Radio channels.
6. The AHC advises the CEC to strictly implement its legal competence. Its meetings should be planned and transparent. Raising the quality of the work of the CEC is very necessary too. Its instructions should be clear, in conformity with the law and consistent all over the territory of the Albanian Republic. The CEC should be more careful in giving authorization for monitoring. According to the law this authorization should be given only to the organizations which are engaged and specialized in the field of protecting human rights.

It is necessary that the CEC should provide quick, accurate, complete information during the electoral campaign as well as the voting day.

7. More space should be given to the electoral subjects in order that a better participation in the debates concerning changes of the Electoral Code and the whole electoral process would be possible for them.

SOME REMARKS AND IDEAS WHICH COULD BRING A CONTRIBUTION TO THE FURTHER IMPROVEMENT OF THE ELECTORAL CODE

1. Some observed irregularities in the voter's lists are already known. Postponing the deadline of the reexamination of the preliminary lists was required. The final deadline of these lists according to the law was the 13th of September 2000. This deadline was postponed to the 18th of September 2000.

Taking into consideration that this was the first time that this new procedure of the compilation of the voter's lists was implemented, we think that possible difficulties should have been better considered. Among which some can be mentioned: a) a lot of demographic movement of citizens and their non-withdrawal from their previous domicile registered in the respective register offices; b) The time spent for the registration of the citizens from house to house and the deadline for the reexamination of the preliminary lists was relatively short; c) At the very beginning of the process of the compilation of the immigrant's lists it should be decided whether these lists should be separate or not; d) checks and verifications of this process should be more often and deeper. Better information should be given.

For the elections of the local government of this year voter's complaints, related to the inaccuracies and lacks in the voter's lists addressed to the court, are out of question. However, this fact does not hinder citizens to address their complaints to the court.

Even during the coming general elections of June 2001 we predict that the situation of the register offices will not be stable. Therefore it is necessary to settle criteria for registering voters with temporary residence until the respective Zone Election Commission (ZEC) or Local Government Elections Commission (LGEC) are given notice for their striking off the list in case they are registered.

The following problem for the elections 2001 is worth discussing: How many days in advance of the voting day should the voter's lists be announced? It is said that the voter can complain to the City Court not later than 30 days before the elections' date. This presupposes that the preliminary voter's lists should be announced 20 to 30 days before this date (i.e. 50 to 60 days in advance).

2. According to Article 76 of the Electoral Code, representation of the candidate for deputy, mayor of the municipality or commune or for the municipality council or commune council is delivered to the ZEC or LGEC 22 days before the elections' day, whereas when the documents are returned they should be submitted not later than 19 days before the elections' day. But if the Commission returns the documents, for ex. 19 days in advance of the elections' day and two days are needed to fill these documents, what is done in such a case? Particularly in connection with such deadlines, we think that there is place for discussion. Therefore, in this case deadlines should be set to the Commission for the approval and return of the documents as well as a deadline for the completion of the possible gaps found in the documentations. It is worth mentioning that the potential candidates some data are

required such as for ex. the candidate should not have been sentenced with the final decision of the court, should not be a deputy, should have the signed list by the voters, the declaration of the respective political party which support this candidate, etc. All this data should be verified before hand by Central Election Commission (CEC) and LGEC.

3. No maximum deadline is set to all political parties as to when they should submit their proposals for the members of the LGEC and Voting Center Commissions (VCC). The CEC could have set a deadline in the framework of the implementation of the law and good developments of the electoral process. In fact, it has displayed hesitation in this direction. To prevent the delays of the establishment of the Zonal Election Commissions (ZEC), VCCs and LGEC (which in fact happened) we think that in the future accurate deadlines should be set in the laws. Delays in the submission of these proposals caused delays in the setting up of the LGECs and VCCs which had a negative influence on the development of the electoral process and on a better training of the members of these commissions.

4. We think that the way in which the mayor and the deputy mayor of the LGEC and VCC is elected according to the laws, is not clear. Therefore in Article 153 it is said that: “candidates for mayor and deputy mayor should be proposed by the two political parties which have won the majority of the votes on the country scale in the local elections of 1996 year”. According to this formulation this competence is left to the CEC and LGEC respectively. This inaccuracy has given ground to delays in appointing mayors and deputy mayors of the LGEC and VCC. In this direction there were observed certain complaints.

5. According to Article 59 (point 2) of the electoral code for local government elections, two days before the voting day, the director of the special institution prepares the voter's list with domicile in the electoral unit where the institute is located and it delivers it to the LGEC.

If we hold strictly to this disposition (and that is how it is understood and enforced in reality up to now), prisoners/detainees or persons hospitalised at health institutions, whose domiciles are not in the respective electoral units where the above mentioned institutions are located, can not vote. Even in the cases when they could belong to such electoral units, a VCC could be set up and they could vote only if their number reached the minimum of 15 persons (see point 1 and 2 of Article 93 of the Electoral Code). In Tirana voting was allowed only for the municipality because this city has 1 municipality and 11 electoral units.

It is worth discussing if this is in compliance with the Constitution (Article 45) and article 6 of this Electoral Code which speaks of the right of voting. Article 45 of the Constitution and Article 6 of the Electoral Code determines the elections' principles. None of the Constitution's dispositions limit the right of voting whether a person is with a temporary or permanent residence.

Should this be limited with number 15 of the voters as in the above case? Why shouldn't the residence of the prisoners/detainees and the hospitalised persons be considered as temporary?

We take into consideration the fact that the students have the right to vote in their residence and in this case the CEC takes measures in order that the students do not register in more than one voter's list.

6. Due to some technical irregularities in the voter's lists and the delayed distribution of the voter's cards, a considerable number of voters were not equipped with these cards. For this year's elections (according to Article 155 of the Code) this does not matter. But the question is how it should be proceeded with voters of the 2001 elections. Is it possible for these voters to be equipped with the voter's cards? In the 1st October elections there were some rare cases where the voter had the voter's card but did not find his/her name in the respective voter's list. In fact, his/her name was found in another list.

7. According to Article 145 of the Electoral Code, members of the electoral commissions and public administration clerks serving these commissions do have penal and administrative responsibility in case of violations of the Code's dispositions.

Although different violations were observed even before the 1st of October, no administrative measures were taken as far as we know. For the sake of transparency, we think that such measures should be made known if they were taken.

8. Seeing that this year's elections are developed according to the new code, we think that more work should have been done for more legal education of the citizens by means of public and private radios and television channels as well as by other means. We think that the legal education of the citizens on the voting process, which was done on TV two, three days prior the elections, was not sufficient. Because there were some delays in setting up the LGECs and VCCs, we think that these commissions needed more training, the lack of which was reflected in some weaknesses and gaps which were observed during the elections. This gap can be filled during the balloting in the second round. The manual for VCC provided by CEC was a good job which contributed to the enlightenment of some issues. The CEC's instructions to these commissions were positive as well.

9. According to Article 19 of the Electoral Code, it is said that the schedule of the meetings of the CEC should be advertised in an obvious public place nearby CEC. In fact, CEC has held meetings which have been attended by representatives of political parties who do not have the right of the vote as well as monitors. But according to Article 19 and for the sake of transparency, their schedule should have been made known regularly and therefore should have been respected.

10. In point 3 of Article 63 of the Electoral Code it is said that: "If the candidate withdraws his/her candidacy in the second round, he/she is replaced with the candidate who has received the highest number of the votes in comparison to other candidates". According to this disposition no time limits are mentioned within which he/she can exercise his/her right to withdraw his/her candidacy. The fact that the candidate does not have any deadline allows him/her to withdraw his/her candidacy for ex. one or two days prior the elections, in the meantime the ballot papers are printed. Besides, the candidate who will replace him/her did not have the possibility of holding an electoral campaign as the other candidate who was not withdrawn did. How can we solve this problem? The following is one alternative. To point 3 of Article 63 of the Electoral Code the following paragraph can be added with this content: "In the case the candidate does not submit his written request to the ZEC or the respective LGEC 8 days prior to the elections of the second round, his/her name should not be removed from the ballot papers."

Related to this matter, we do consider dispositions of the Code where it is spoken of document submission for the candidate and especially Article 79 (point 1) where it is said: "The candidate can withdraw the candidacy within 24 hours from the verification done by the commission. The candidate who withdraws after the verification done by the commission, can not be replaced by another candidate of his/her political party".

11. CEC acted righteously when it drew attention on violations of point 5 of Article 130 of the Electoral Code which prohibits propaganda done by foreigners in favour or disfavour of a candidate or another electoral subject, but this commission should have drawn attention on the propaganda accompanied by insults, slanders, threats and the use of hate speech. Even on the elections' day some TV channels such as ATN and TV Shijak gave partial information with propagandistic ascents which is forbidden according to the law.

Analysis on the weaknesses of technical and organizative character observed on the elections' day (during the voting process), closing the voting and announcing the results could make it necessary to treat other issues as well.

Taken into consideration the above mentioned issues, and the fact that during the next year general elections will be held, it could be necessary for this or that legal disposition to be better completed or more precise in order that there will not be misinterpretations which could come against the law and would have a negative impact on the electoral process.

In addition, we think that the 14th part of the Code which speaks of transitory dispositions should be reviewed because after the 1st October elections they loose their purpose.

The experience of the 1st October elections showed that in the future elections, more attention should be drawn on problems of a technical and organizative character, infrastructure, material base, training of the electoral commissions etc.

APENDIX

Statements

NECESSARY MEASURES

FOR A REGULAR PARTICIPATION IN THE ELECTIONS

For the first time in our country, in the elections for local government, which will be held on 1 October of this year, the voters will submit their voter's card. This is one of the significant elements which are predicted in the Electoral Code which guarantees not only an accurate registration but also can prevent any irregularities as well as possible manipulations.

Anyway, the AHC considers it as necessary to present the concern which has to do with the fulfillment of the legal requirement that the voter should come in person to get this card. According to the law nothing is said as to where the voter should come or within which deadline.

The AHC thinks that this process could present some difficulties consequently some quick, technical and organizative measures are required. The voter should not be delayed by certain bureaucracies when h/she comes to withdraw the voter's card; because this could result in his/her negligence to get his/her card. Consequently, this will negatively influence the exercise of the constitutional right for participation in the elections.

According to the article 155 of the Electoral Code for the local government elections of year 2000, the voters who are not equipped with the voter's card can vote with a identification document with a photo issued by the civil registry offices. To implement this article the Central Commission of Elections can issue a special instruction which could make clear the cases when the electors are not equipped with the elector's card because of certain acceptable reasons as well as to what should be done in the cases when the voter does not posses any identification document mentioned above.

Besides this Article 8 of the Electoral Code predicts the voting right of the Albanian citizens who are living in foreign countries in these elections.

17.08.2000

APPEAL

FOR A CIVILIZED, DEMOCRATIC AND REGULAR ELECTORAL CAMPAIGN

The electoral campaign begins on the 1st of September. It is decided that the 1st of October is the voting day for local government elections.

The non-governmental organizations of this undersigned appeal address themselves to the public opinion with the conviction that it is necessary to have a civilized electoral campaign which requires a calm atmosphere and prevention of conflicted confrontations.

On the eve of the opening of this campaign, from all the citizens it is expected that through their correct and moderate behavior and attitude, they could become an important factor to show again that in Albania democracy is in the process of consolidation through the exercise of the free vote. We have also the conviction that we transmit the message of the civil society appealing to the political parties so that they can create an atmosphere of tolerance, and constructive debate without extreme clashes through their up-folding of their alternatives. In this view each electoral subject should be provided with all the possibilities for a legal electoral propaganda.

We take advantage of this opportunity to greet the initiative undertaken by the representatives of the political parties on the local level which aims at a civilized development of the electoral campaign without political tensions. We suggest that this initiative finds further support.

All the Albanian society and the political parties as carriers of special opinions are aware of the fact that the elections of the 1st October will be the corner stone of the democracy in our country. It is now the moment to feel the moral and historical responsibility by giving the message that we are a mature people who know how to implement the highest standards of the values of a modern and contemporary society.

September 2000

KEEP A NORMAL DEVELOPMENT OF THE CAMPAIGN AND ELECTIONS

The Albanian Helsinki Committee, from the very beginning, has addressed an appeal to all the political parties for a calm and legal electoral campaign, for a debate which excludes hate speech, insults and humiliation and which does not incite and tension the situation of the pre-elections.

Being a non-governmental organization with no influence from the political parties, our key point in our message has always been that the elections of 1st October should develop under the calmest circumstances where the citizens can express their free will in a democratic way.

The AHC observes happily that citizens are very interested in a good progress of the elections for local government and that many candidates have shown self-control and transparency in their debates. These attitudes are welcomed by ordinary people independent of their beliefs, sympathies or respective parties.

However, in some meetings, especially during these last days, some party leaders, have over passed the limits of a legal propaganda of the electoral campaign with accuses which could be object of investigation of competent organs. The AHC is of the opinion that such

declarations do not serve the normal developments of the campaign which continues and which is finalized on the voting day of 1st October.

The last two events, that in Fier and Bajram Curri, make it necessary to return to our appeal for calmness, self-control and maturity.

According to the published data in the press (although sometimes contradictory), it was observed that during the meeting organized by the D P where the head of this party Mr. Sali Berisha was also present, a person named Enver Kapaj, 47 years old was caught with an offensive grenade in his pocket while he was very near the tribune. One source says that he is an agent of the Informative Services of the State (ISS). Another source says that he is an inhabitant of a village named Frakull of Fier, member of the DP and head of the section of this party.

The criminal act which could result from this but fortunately which was prevented, as well as the fact that this person was under arrest, create the possibility of the investigation of the real motives of this event.

According to the AHC the political pertaining of this person who tends or commits a criminal act does not have any significance. His quick, effective and objective investigation is very necessary.

This wrongdoer, even more now on the eve of the elections of the 1st October, aims at creating panic and insecurity. Another event, which could be accompanied with severe consequences, was that which happened in Bajram Curri in a meeting arranged by the SP where Prime Minister Mr. Ilir Meta was scheduled to hold a speech. At the same place, time and day a group of DP supporters arranged an anti-meeting. This situation was successfully passed with self-control and tolerance due to the correct attitude of the forces of the public order.

These two last events oblige the AHC to readdress the appeal to all political parties, especially the biggest parties of the position and opposition so that they avoid possible confrontations during their meetings, and to the forces of the public order so that they show impartiality thus guaranteeing the rights of the elected subjects and those of the citizens.

Under this responsible situation we should show that through calm, and democratic elections, we aim at the integration of our country in Europe.

26.09.2000

CALM AND NORMAL ELECTIONS

The AHC was seriously engaged in a project for monitoring the electoral campaign and elections.

Many monitoring groups were sent in several main centers of the country and they followed closely the electoral process on the 1st of October. The number of such groups reached 50.

The general evaluation which has come as a result of all these observations is that elections are organized in a calm atmosphere and according to all regulations. The Electoral Code has been correctly implemented in these elections. In separate cases some shortcomings and lacks have been observed but these were of technical and organisative character. These cases do not infringe the general panorama of a free and transparent process which loyally reflects the free will of the voters.

The AHC has participated in monitoring previous elections in our country. We feel the responsibility to point out the essential change in a positive sense of the elections of 1.10.2000 according to all the main parameters. These elections strongly revealed that the Albanian electorate is now prepared for a democratic life, establishing a society according to the most advanced contemporary standards. The majority of Albanians have performed their duty with high responsibility as citizens.

The AHC considers it necessary to point out the total engagement of the forces of public order which has been present everywhere and have been a determined factor for the security of order and calm development of elections.

The AHC expresses its conviction that with the elections of 1 October 2000 a positive precedent has been created as well as a precious experience has been generated necessary to establish healthy basis for the institution of elections as an opening to alternatives of a democratic society. This is the road to the integration of Albania in the family of the most advanced nations.

02.10.2000

AN UNWANTED INCIDENT WHICH SHOULD NOT INFRINGE THE FRIENDLY COEXISTENCE WITH THE MINORITY POPULATION

During the electoral campaign an unwanted incident suddenly happened which was in opposition to the general spirit characterizing the second round of elections.

The electoral competition of Himara municipality served as a cause for this which took disproportional dimensions compared to a number of localities with an inconsiderable population. Efforts overpassing the objectives of the elections were made and this case was taken advantage of in order to return to some goals and prejudices of the ancient times.

Perhaps in some declarations of some parties some high emotional tones should have been avoided. But the atmosphere was flared up severely by the reactions of certain Greek circles. Some declarations with threatening tones were addressed to the Albanian government. Elementary regulations of the relations, which have been characterized by a close cooperation between the two states, were openly violated. Many Greek parliamentarians, journalists as well as diplomats without having the status of observers arrived in Himara and observed the electoral process. They did not hesitate to make propaganda in favor of one

party thus violating the Electoral Code. However, this has not compromised the voting process which according to many observers have been developed under normal circumstances.

The AHC has followed with special interest the minority issue in Albania, the general situation of which is evaluated positively and this opinion is expressed by the respective international organizations. The AHC's monitors have been sent time after time to the whole southern part in order to follow closely the developments of the events as well as to identify eventual problems.

Our monitors not long ago than this spring have been in the region of Himara and the findings were not new. The majority of the population of this region is Albanian, there are, however, ethnic Greek elements. The whole region is inhabited by an autochthon Albanian population. The only issue that has been raised in these cases has been that of teaching Greek as a foreign language in order to take advantage of the facilities, which the knowledge of this language offers, for trade and economical relations with Greek partners.

Taking into account the above, the AHC expresses its regret for such an incident. This Committee believes that this will remain as an isolated episode, which will be overcome by a spirit of understanding and respective tolerance. This incident should never influence negatively the position of the minority in Albania and will never infringe the firmly established traditions of a friendly coexistence with the minority population, which is a very important achievement of the Albanian society.

16.10.2000

A PARTIAL ATTITUDE OF THE GREEK HELSINKI MONITOR

Lately the Greek Helsinki Monitor has expressed itself concerning Himara issue. The Albanian Helsinki Committee has established relations of cooperation and understanding with this organization which have been more intense from 1994. This has been a fruitful cooperation. But along the contacts, which we have had, we have noticed a high sensitivity towards the issue on minorities in Albania, which keeps this organization away from principled positions. Its manifested attitude brings it very close with the position taken by certain Greek circles which are still hammered at some prejudices and goals of the past. For an organization working in the field of human rights a clear distance from such circles is expected.

The Greek Helsinki Monitor judges this issue with partiality and without a direct participation in the electoral process which were held in Albania. This declaration was made from Warsaw. They talk a lot about "an anti-Hellenic and unusual alliance of the Albanian parties", for sensitizing the Albanian press and the broad Albanian opinion on this issue. And on the other hand this Committee is quiet at all on the reaction of the Greek party, an unprecedented reaction which started with threats of the high officials addressed to the Albanian government, continued with the battalion of Greek parliamentarians and journalists and finished with their intervention in the voting process during the elections' day which was a violation of the Electoral Code.

The AHC repeats that it has followed closely the minority issue and it has accurate knowledge about the coastal region and Himara itself. This region has been inhabited by an autochthon Albanian population since the ancient times. The buses with Albanian immigrants, which came on purpose from Greece, cannot change the demographic framework of this region; and this cannot be done through the changes of the refugees' names. It cannot be denied that there are ethnic Greek elements but they have always lived in harmony with the native population.

The AHC is on the position to state that the minority issue in Albania is in conformity with all the international standards which does not exclude problems which may come up as well as eventual improvements which should be done according to the needs.

The AHC expresses its conviction that each effort in order to expand the minority spheres in Albania has nothing to do with the right attitude of respecting the minority rights.

The AHC addresses again its appeal in order that the latest developments should not infringe the normal and friendly coexistence of the Albanian population with the minority population in Albania.

19.10.2000